

House Study Bill 76

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS
BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to confidentiality and liability provisions
2 involving the child advocacy board and the programs and
3 volunteers associated with the board and making a penalty
4 applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1246DP 81
7 jp/sh/8

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1 1 Section 1. Section 232.13, subsection 1, paragraph b, Code
1 2 2005, is amended to read as follows:
1 3 b. A court appointed special advocate and other persons
1 4 volunteering under the auspices of the child advocacy board
1 5 created in section 237.16 or a local citizen foster care
1 6 review board created in accordance with section 237.19.

1 7 Sec. 2. Section 232.147, subsection 3, paragraph c, Code
1 8 2005, is amended to read as follows:

1 9 c. The child's parent, guardian or custodian, ~~court~~
1 10 ~~appointed special advocate, and guardian ad litem, and court~~
1 11 ~~appointed special advocate or other person volunteering in~~
1 12 ~~connection with the child under the auspices of the child~~
1 13 ~~advocacy board created in section 237.16 or a local citizen~~
1 14 ~~foster care review board created in accordance with section~~
1 15 ~~237.19.~~

1 16 Sec. 3. Section 237.21, subsections 1 and 3, Code 2005,
1 17 are amended to read as follows:

1 18 1. The information and records of or provided to a local
1 19 board, ~~or the state board, court appointed special advocate,~~
1 20 ~~or other person volunteering under the auspices of either~~
1 21 ~~board~~ regarding a child receiving foster care and the child's
1 22 family when relating to the foster care placement are not
1 23 public records pursuant to chapter 22. The state board and
1 24 local boards, with respect to hearings involving specific
1 25 children receiving foster care and the child's family, are not
1 26 subject to chapter 21.

1 27 3. Members of the state board and local boards, ~~court~~
1 28 ~~appointed special advocate, or other person volunteering under~~
1 29 ~~the auspices of either board,~~ and the employees of the
1 30 department and the department of inspections and appeals are
1 31 subject to standards of confidentiality pursuant to sections
1 32 217.30, 228.6, subsection 1, sections 235A.15, 600.16, and
1 33 600.16A. Members of the state and local boards and employees
1 34 of the department and the department of inspections and
1 35 appeals who disclose information or records of the board or
2 1 department, other than as provided in subsection 2, are guilty
2 2 of a simple misdemeanor.

EXPLANATION

2 4 This bill relates to confidentiality and liability
2 5 provisions involving the child advocacy board and the programs
2 6 and volunteers associated with the board. The child advocacy
2 7 board is part of the department of inspections and appeals and
2 8 has many responsibilities for oversight and review of the
2 9 state's foster care system, including establishing and
2 10 overseeing local citizen foster care review boards and
2 11 administering the court appointed special advocate program.
2 12 Code section 232.13, providing state tort liability
2 13 protection for court appointed special advocates and certain
2 14 other persons, is expanded to provide the protection for other
2 15 persons volunteering under the auspices of the child advocacy
2 16 board or a local foster care review board.

2 17 Code section 232.147, relating to confidentiality of
2 18 juvenile court records, authorizes disclosure of a child's
2 19 official records without court order to various persons
2 20 involved with the juvenile court system, including the child's
2 21 court appointed special advocate. The bill expands the
2 22 disclosure authorization to other persons volunteering in
2 23 connection with the child under the auspices of the child
2 24 advocacy board or a local foster care review board.
2 25 Code section 237.21 provides that information or records
2 26 involving a child or the child's family provided to the child
2 27 advocacy board or a local foster care review board, as well as
2 28 employees of the departments of human services and inspections
2 29 and appeals, are not public records. In addition, those
2 30 persons are subject to various statutory confidentiality
2 31 standards and to a simple misdemeanor penalty for unauthorized
2 32 disclosure of confidential information. The bill makes both
2 33 of these provisions applicable to court appointed special
2 34 advocates and other volunteers of the child advocacy board or
2 35 a local foster care review board.
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